

UNITED STATES DEPARTMENT OF INTERIOR
BUREAU OF LAND MANAGEMENT
SALEM DISTRICT OFFICE

**DECISION RECORD FOR THE
Culvert Replacement Project
Project 2 of EA # OR080-03-5**

The Bureau of Land Management (BLM), Marys Peak Resource Area, completed an environmental analysis for the Culvert Replacement (Project 2) portion of the Watershed Restoration and Road Decommissioning Environmental Assessment (number OR-080-03-5). Existing drainage structures on three major crossings of the South Fork Alsea River Access Road would be replaced and a temporary bypass would be constructed adjacent to each operation. The affected environment, proposed action and potential environmental consequences of the proposed project and associated activities are described in the aforementioned environmental assessment (EA). The EA and Finding of No Significant Impact (FONSI) were made available for public review from April 24 to May 28, 2003.

The proposal complies with relevant laws, regulations and management plans for managing BLM administered lands, including the following.

- Record of Decision and Standards and Guidelines for Amendment to the Survey & Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines (S&M ROD, January 2001) and the Final Supplemental Environmental Impact Statement For Amendment to the Survey & Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines (S&M FSEIS, November 2000), and 2001, 2002 Annual Species Review, BLM Information Bulletin No. OR-2002-033.*
- Salem District Record of Decision and Resource Management Plan (RMP, May 1995).*
- Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl (ROD, April 1994) and the Final Supplemental Environmental Impact Statement on Management of Habitat for Late-Successional and Old-Growth Forest Related Species Within the Range of the Northern Spotted Owl (SEIS, February 1994).*
- Salem District Proposed Resource Management Plan/Final Environmental Impact Statement (PRMP/FEIS, September 1994).*

The EA is tiered to the aforementioned environmental documents. All of these documents may be reviewed at the Salem District BLM office, Marys Peak Resource Area, 1717 Fabry Rd. SE., Salem Oregon. Office hours are Monday through Friday, 7:30 AM to 4:00 PM, closed on holidays.

Decision Record

I have decided to select and implement Alternative 1 (the proposed action) as described in the Culvert Replacement (Project 2) portion of the Watershed Restoration and Road Decommissioning EA and associated project design features. The proposed project areas are located in Township 15 S., Range 06 W., section 6 and Township 14 S., Range 07 W., Section 36, W.M.

Decision

The existing structures on three major crossings of the South Fork Alsea Access Road would be replaced. The excavation/embankment associated with the improvements would be confined to the existing road prism, except that a narrow temporary bypass route would be constructed adjacent to each operation. The bypass routes would require removal of localized riparian vegetation, minor excavation, and temporary crossings over live streams.

Decision Rationale

My decision to implement the proposed action is based on the primary goals of the project to assist in restoring and improving the ecological health of the watersheds and aquatic systems by replacing failing culverts and improving fish passage and storm flow capacity. The actions are proposed as a means of implementing the watershed restoration component of the Northwest Forest Plan Aquatic Conservation Strategy. Watershed restoration is an integral part of the federal strategy to recover fish and riparian habitat and to improve water quality.

Alternative 3 (closing South Fork Alsea Access Road instead on constructing temporary bypass roads and Alternative 4 (no action) were not chosen for the following reasons.

Alternative 3: Closing the South Fork Alsea Access Road for the duration of the proposed projects would reduce access to Alsea Falls Recreation site and other developed and dispersed sites in the area. It would also increase travel distance (an extra hour) from Monroe on Highway 99 to Alsea on Highway 34 for local residents and tourists.

Alternative 4: Under the no action alternative, worn culverts along the South Fork Alsea River would continue to deteriorate, increasing the potential for erosion and sedimentation, and eventual failure.

A FONSI was issued with the original EA. My conclusions in the FONSI have not changed. I have determined that neither a supplement to the EA nor a change to the Finding of No Significant Impact is needed.

Public Involvement/Coordination/Consultation

Scoping

Efforts to involve the public in planning for the proposed action were as follows:

- The general area was shown as Matrix and Riparian Reserves in the *ROD* and *RMP*. These documents were widely circulated in the state of Oregon and elsewhere, and public review and comment were requested at each step of the planning process.
- A legal notice announcing availability of the EA for public review and comment was submitted to the *Corvallis Gazette-Times* and published on May 1, 2003. The FONSI/EA was open for comment from April 24 through May 28, 2003.
- The EA and FONSI have been available for review on the internet at Salem BLM's website, <http://www.or.blm/salem> (under Planning) since April 29, 2003.

Comments

We received comments favorable to the project from Oregon Natural Resources Council

Consultation

Formal consultation with the Fish and Wildlife Service has addressed potential impacts to federally listed wildlife species. A Biological Opinion (BO) received from the Service on April 4, 2002 (reference # 1-7-02-F-422) concluded that these types of projects would not likely result in jeopardy to any listed species. All applicable Terms and Conditions required by the BO have been incorporated into the design features of the proposed project.

Since these project areas occur within a well traveled scenic byway with very little unsurveyed suitable habitat adjacent and have a relatively high ambient noise level, the potential for noise disturbance to spotted owls and marbled murrelets is unlikely. Therefore, this project is considered to be "no effect" to these listed species.

No significant effects are anticipated to occur to any other Special Status Species or Special Attention Species (including Survey and Manage Species).

The project meets the terms and conditions established in the *Endangered Species Act Section 7 Formal consultation and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Consultation for U.S. Forest Service and Bureau of Land Management Programmatic Activities in Northwestern Oregon*, February 25, 2003. The effect determination for culvert replacement in the Coast Range Province is "not likely to adversely affect" Coho salmon in the Coast Range.

Conclusion

As Field Manager of the Marys Peak Resource Area, I reviewed the record for this proposed project and have decided to implement Alternative 1, the proposed action as described in the EA. A Finding of No Significant Impact was signed on April 23, 2003. The conclusions reached in that document have not changed.

Right to Appeal

This decision may be appealed to the Interior Board of Land Appeals (Board), Office of the Secretary, in accordance with the regulations contained in 43 Code of Federal Regulations (CFR), Part 4 and Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office within 30 days from the date of this decision. The appellant has the burden of showing that the decision appealed is in error.

If you wish to file a petition pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993) or 43 CFR 2804.1 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below.

Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Board and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

If no appeal is received by the close of business (4:00 p.m. Pacific Daylight Time) on July 6, 2003, this decision will be implemented.

Contact Person: For additional information concerning this decision or the BLM appeal process, contact Amy Haynes, (503) 315-5955, Marys Peak Field Office, 1717 Fabry Road SE, Salem, Oregon 97306; or Amy_Haynes@BLM.gov.

Responsible Official Cindy Enstrom

Date 6/2/2003

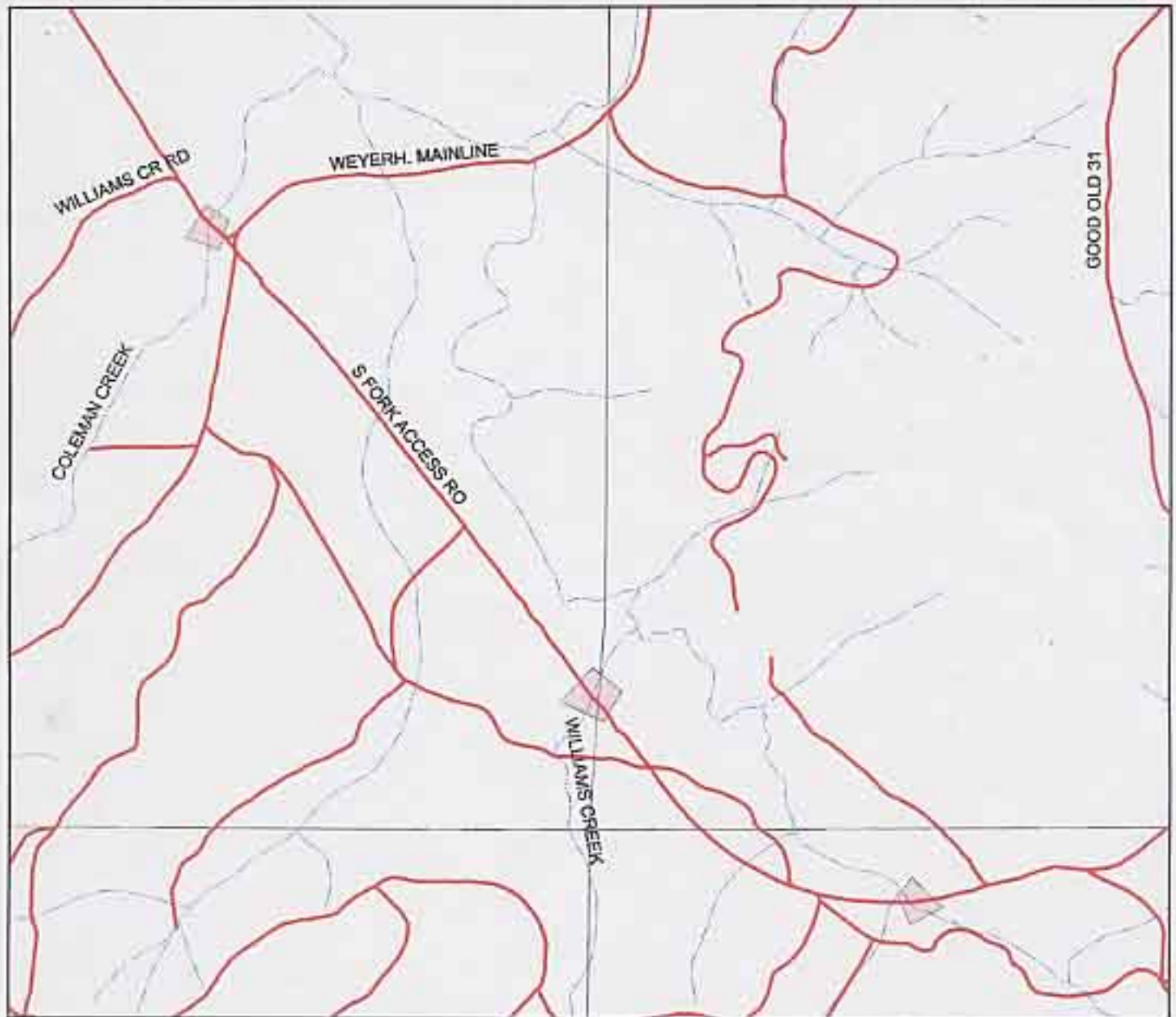
Cindy Enstrom
Field Manager
Marys Peak Resource Area, Salem District
Bureau of Land Management
1717 Fabry Road SE
Salem, OR 97306

Mary's Peak Watershed Restoration and Road Decommissioning

Project 2 Culvert Replacement

T14S - R7W Sec 36

T15S - R6W Sec 6



Scale: 1:12000

Features

- Roads
- Streams
- Culvert



No Warranty is made by the Bureau
of Forestry for the use of the

